

PLANNING BOARD ARTICLE B

Accessory Dwelling Units (ADU) Zoning Bylaw

To see if the Town will vote to amend the Rowley Protective Zoning Bylaw (the “Zoning Bylaw”) as follows:

I. Add the following definitions to Section 2.0 (Definitions):

ACCESSORY DWELLING UNIT A self-contained dwelling unit providing complete living facilities for the use of one or more individuals constituting a single family, with permanent provisions for living, sleeping, eating, cooking, and sanitation, located in or attached to a one family/single-family dwelling or in a separate building on the same lot.

ACCESSORY DWELLING UNIT (ATTACHED) An accessory dwelling unit located within the principal building or attached by new construction to a principal building containing a one-family/single-family dwelling. The exterior of the one-family/single-family dwelling may be modified to accommodate the unit.

ACCESSORY DWELLING UNIT (DETACHED) An accessory dwelling unit located in a building on a lot that is separate from a principal building containing a one-family/single-family dwelling and, if new construction, is smaller than the principal one-family/single-family building.

II. Amend Bylaw Section 7.8.2.2 by removing the underlined, bolded, strike-through text (**example**) as follows:

7.8.2.2 The provisions of section 7.8.2.1 shall not apply to special permits issued under sections 4.11.4.3, 6.1.1.2(b), ~~**6.6**~~, 8.6.5, and 8.8.3

III. to remove current Bylaw Section 6.6 (Accessory In-Law Apartments) to be replaced with a new Section 6.6 (Accessory Dwelling Units (ADU)) as follows:

Section 6.6 - Accessory Dwelling Units

1. Purpose

- a) The purpose of this accessory dwelling unit (ADU) section of the Zoning Bylaw is to increase the housing options

available in Rowley while maintaining the rural character of the community.

- b) This section of the Zoning Bylaw is also designed to permit single-family homeowners to obtain rental income while continuing to occupy their primary residence or on-site ADU.
- c) All ADUs permitted by this section shall be smaller in size and clearly subordinate to the primary dwelling unit.
- d) For the purposes of this section, words used in the present tense include the future; the singular number includes the plural, and the plural includes the singular. The word "lot" shall include "plot" or "parcel." The word "structure" shall include the word "building," where the context requires. The word "used" shall include the words "arranged," "designed," "rented," "leased," "intended to be used" and "occupied." The word "shall" is mandatory; and the word "may" is permissive.

2. General Requirements

- a) The principal dwelling must be located in the Central District, the Residential District, the Outlying District, or the Coastal Conservation District.
- b) Only one ADU is allowed per single-family principal dwelling. The principal dwelling and the ADU shall be served by the same driveway.
- c) At least one parking space shall be available on the premises for the ADU.
- d) The primary dwelling unit or ADU shall be occupied by one or more record owner of the lot. If title is held in trust, the primary dwelling or ADU shall be occupied by one or more of the natural persons who are beneficiaries of the trust. If title is held in any other form of ownership, the primary dwelling or ADU must be occupied by a natural person owning fifty percent (50%) or more of the ownership entity.
- e) An application to establish an ADU must include evidence that the parcel's existing sanitary and/or septic systems are of an adequate size to accommodate the ADU or that a new

system shall be designed to accommodate the addition of the ADU.

- f) Consistent with Zoning Bylaw Section 5.4, the establishment of any ADU shall not increase or cause a dimensional nonconformity on the parcel with respect to required setbacks, maximum lot coverage, or building height. In the case of a lot lacking adequate frontage, any proposed alteration or extension shall not increase the floor area of the primary dwelling by more than 50%. The addition of an ADU to a lot that is legally nonconforming as to lot size shall not be viewed as increasing such nonconformity.
- g) Short-term rental of ADUs (less than 4 weeks) shall be prohibited.
- h) The ADU shall be designed so that the appearance of the structure remains that of a one-family dwelling, subject further to the following conditions and requirements: (i) All stairways to second or third stories shall be enclosed within the exterior walls of the dwelling. (ii) Any new entrance shall be located on the side or in the rear of the dwelling. (iii) Where there are two or more existing entrances on the front facade of a dwelling, if modifications are made to any entrance, the result shall be that one appears to be the principal entrance and the other entrances appear to be secondary.
- i) The record owner of the premises shall annually certify in writing to the Board of Appeals and the Building Inspector, without fee, that the primary dwelling unit or ADU are occupied by one or more record owner of the lot.

3. ADU Requiring a Special Permit. The Board of Appeals may issue a special permit for the following ADUs only if the proposed ADU meets the General Requirements of this section and the Special Permit standards specified in Section 7.8 of this Zoning Bylaw.

- a) Attached ADU. An Attached ADU of 1,000 or less square feet.
- b) Conversion of 1,000 square feet or less of an existing building to an ADU. A barn, garage, or other accessory

building that is existing for at least two years prior to application to the Board of Appeals for ADU review may be converted to an ADU.

- c) New construction of a Detached ADU of 1,000 or less square feet.

, or to take any other action relative thereto.

Inserted by the Planning Board

Explanatory Note: Passage requires a 2/3rds vote to pass. The primary portion of the article proposes to replace the existing Accessory In-Law Apartment bylaw that allows, with a special permit approval by the Zoning Board of Appeals (ZBA), the addition of an attached apartment unit to a primary residential dwelling with a new ADU bylaw that would allow, with a special permit approval by the ZBA, (1.) an attached ADU unit 1,000 square feet or less; (2.) to convert an existing detached accessory building existing at least two years prior to an application, to an ADU; or (3.) a new construction of a detached ADU of 1,000 square feet or less. The primary difference between the existing In-Law Apartment bylaw and the ADU bylaw is the absence of a requirement of a familial relationship to validate the use and the option for offering rental options to the general public. There will remain a requirement that one of the units must be owner-occupied except now the property owner must annually certify in writing with the Rowley Building Inspector that either the primary or the ADU unit is owner occupied.

The article also contains definitions, pertinent to ADUs inserted, into the definitions section of the zoning bylaw and also modifies language under the bylaw section pertaining to special permits language that was only applicable to the In-law apartments bylaw being replaced by this new bylaw.